IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.26609 of 2001

Between:

1 P.Subbaiah S/o. Chengaiah
R/o. D.NO.9-10-86, New Indira Nagar, Tirupathi,
Chittoor DIstrict.
2 B.Subrahmanyam S/o. Yerulaiah
R/o. 201, SVT Nagar Tirupathi,
Chittoor District.

...PETITIONERS

AND

1. Government of Andhra Pradesh, Rep by its Secretary

Municipal administration, Urban Development

Department, Secretariat, Hyderabad.

2. The Commissioner & Director of Municipal Administration,
Government of Andhra Pradesh, Hyderabad.
3. The District Collector, Chittoor.
4. The State Election Commissioner,
Budha Bhavan, M.G.Road,
Secunderabad.
5. The Commissioner,
Tirupathi Municipality, Tirupathi

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the action of the respondent in reserving only 2 seats for S.C. Community in Tirupathi Municipality of Councillors as against 3 seats for which the S.C. Community is entitled as arbitrary, illegal, unconstitutional and void and consequently direct the respondent to reserve 3 seats of Councillors in Tirupathi Municipality for S.C. Community.

Counsel for the Petitioners: MR.M.P.CHANDRAMOULI

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

When the first respondent was about to issue notification of Elections to Municipalities in the State of Andhra Pradesh, the third respondent published a draft notification for setting apart certain seats among wards in Municipalities including Tirupathi Municipality. In that context, two seats were reserved for Scheduled Caste Community in Tirupathi Municipality. Assailing the same, the petitioners filed the present Writ Petition seeking a declaration that the action of the respondents in reserving only two seats for Scheduled Caste Community in Tirupathi Municipality is illegal and arbitrary. The petitioners contend that as per the census figures, the respondents ought to have reserve three seats for the people belonging to the Scheduled Caste Community. Though this Court admitted the Writ Petition on 28.12.2001 interim orders were not passed by this Court. In that view of the matter, the cause of action does not survive as Elections were already held.

The Writ Petition is therefore dismissed as infructuous.

-

-

-

_____

(V.V.S.RAO, J)

8th September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, Municipal administration, Urban Development

Department, Secretariat, Hyderabad.

2. The Commissioner & Director of Municipal Administration,
Government of Andhra Pradesh, Hyderabad.
3. The District Collector, Chittoor.
4. The State Election Commissioner,
Budha Bhavan, M.G.Road,
Secunderabad.
5. The Commissioner,
Tirupathi Municipality, Tirupathi.

6. Two CCs to GP for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

7. Two CD copies.